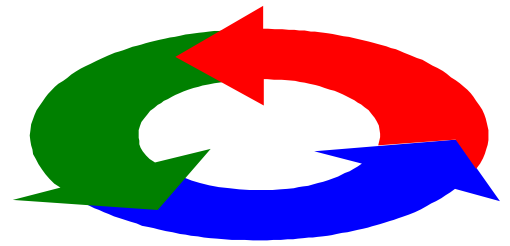


# Amendments



## Improving Awareness & Advocacy of the Michigan Biosolids Program

Volume 5, Second Quarter

May, 2004

### MDEQ Update

#### Status Update for DEQ FY 04 fee bills.

##### **SB 252 - NPDES & Stormwater fees**

SB 252 was originally referred to Committee on March 4, 2003. On February 10, 2004, the First Conference report for SB 252 was adopted by the Senate Conference Committee. The House passed the bill with a vote of 55 to 46. The bill was not enrolled, and Governor Granholm vowed to veto this version of the bill if it was presented to her. The Second Conference report for SB 252 (which the DEQ / Administration supported) was adopted by the Senate Conference Committee on March 30, 2004 at 8:30 a.m. The full Senate concurred in the bill. The House passed SB 252 with a vote of 74 to 31 on April 1, 2004, the last day of the legislative session. The legislature resumes on April 20.

##### **SB 560 - Groundwater fees**

SB 560 was originally referred to Committee on June 6, 2003. The First Conference Report (which DEQ / Administration supported) was adopted by the Senate Conference Committee at approximately 6:30 p.m. on March 30, 2004. The Senate concurred in that report on March 31, and the House passed SB 560 with a vote of 56 to 49 on April 1. The bill raises \$1.7m in fees per the FY 04 budget agreement.

These bills will now be enrolled and sent to the Governor's desk for final approval.

### Michigan News

#### **Council to vote Monday on sewage proposal**

*By: Patrick Revere, The Grand Rapids Press, 04/15/04*

WYOMING -- The structure of a joint regional biosolids processing project has been laid out and awaits approval from Wyoming and Grand Rapids.

Joe Stapf, Wyoming's director of utilities, said a funding arrangement and articles of incorporation have been prepared for the project's tentative governing body, the Grand Valley Regional Biosolids Authority.

*Continued on next column*

Wyoming's City Council is scheduled to vote Monday on whether to accept the authority and its funding needs. Grand Rapids' City Commission is expected to vote on the same issues Tuesday.

The cities have been working together for about three years on a plan to turn raw sewage into a "Class A biosolid" pellet that can be sold as fertilizer.

The new authority calls for each city to name two full-time members to the board as well as one alternative member. One of the full-time board member from each community would be the city manager.

Funding is to be shared evenly, with each city putting in \$200,000 this year to hire Black & Veatch to conduct a preliminary design study. An additional \$1.2 million would be funded by each of the cities during the next two fiscal years.

"This isn't a cheap process," Stapf said. "In fact, it's going to cost us more than we're paying now. But we've got to do something."

Currently, Grand Rapids' plant produces sludge that goes primarily to landfills. About 25 percent of the sludge is applied to farm fields. Wyoming's plan produces a "Class B" sludge that is applied to farmers' fields, a process that has become more expensive recently.

"We're having to haul (sludge) farther and farther, and we're encountering more and more neighborhood opposition to what we're doing because of odors," Stapf said.

Wyoming has lost about 6,000 acres of fields for application during the past 18 months, he said.

The new public-private partnership calls for borrowing about \$31 million to build a joint treatment plant on Freeman Avenue, near the Grand Rapids plant at 1300 Market Ave. SW. A sewage pipeline would be installed to connect Wyoming's plant, 2350 Ivanrest Ave. SW, with the Freeman Avenue plant.

A private partner would be needed to build a \$48 million facility where the final drying and pellet-making process could be done. The pellets could be sold for fertilizer or fuel.

*Michigan News continued on page 2*

Last year, the cities split a \$666,000 price tag on land at 851 Freeman for the plant.

An official signing of the articles of incorporation will be held April 22 if both cities pass the authority agreement and funding structure. The first meeting of the new authority is scheduled for April 29.

### **Sewer gas may help power Plainwell**

*Special to the Gazette, Sunday, April 18, 2004*

PLAINWELL -- Gases produced in the processing of sewage waste at the Plainwell Wastewater Treatment Facility eventually may heat some nearby city buildings.

The project, part of an estimated \$1.45 million improvement plan to be completed this summer, could save the city thousands of dollars in heating costs, officials say.

"The project would make Plainwell the first city in Michigan to actively capture and use the digester gas," engineer Ian Howkins said during a recent presentation to city council members. Howkins is part of a team from Fleis and Vandenbrink Engineering Inc. of Grand Rapids hired to design and implement improvements in the digester system used within the city's wastewater treatment facility off M-89 near U.S. 131.

The work is part of a five-year, \$2.5 million plan city council members approved in February 2001 to improve how biosolids -- also called sludge -- are treated and managed at the plant. The plant is capable of processing some 1.3 million gallons of waste daily.

New biosolids holding tanks were installed during the summer of 2002 at the regional plant, which treats about 520,000 gallons of sewage collected each day from nearly 8,000 customers within the city, the village of Martin, and the townships of Gun Plain and Otsego.

But the biosolid digester systems, which decompose the sewage wastes, are unable to handle additional sewage flow, Howkins said.

So the engineering firm started last fall to design improvements to the anaerobic digester systems, Howkins said. The project involves replacing some components with new equipment and reusing existing equipment when possible. The engineers plan to seek bids within the next two weeks to complete the improvements, Howkins said.

The work contracts likely will be awarded within the next two months and construction started in July or August, Howkins said. The work will include installing a dome-like structure that will capture methane gas produced as the sewage waste is treated, facility superintendent Bryan Pond said.

Michigan News continued on next column

"The facility staff has just been burning that waste gas," Howkins said. "We estimate that there is some \$10,000 worth of gas available there (per year) to use."

Engineering plans call for the gas to be collected and then used to heat the nearby Department of Public Works buildings, Howkins said.

## **WEF News**

### **Innovative Uses of Biosolids and Animal Manure Symposium**

From **Gene DeMichele**, [gdemichele@wef.org](mailto:gdemichele@wef.org):

The fifth joint WEF/EPA Region 5 Symposium on "Innovative Uses of Biosolids and Animal Manure" will be held from June 30-July 2, 2004, in Chicago, IL. The Symposium will focus on the innovative uses of animal manure and biosolids, government mandates that support innovative technology, the new or significantly improved technologies as related to innovative and value-added products, the role of entrepreneurs in the implementation/application of innovative technologies, and marketing aspects of innovative technologies. The Symposium is designed to bring together professionals for the exchange of information and ideas. Interested agricultural and municipal solids management professionals; utility managers; natural resource, energy, transportation and environmental professionals; members of the research community; technical service providers; policymakers; and technology providers are encouraged to attend. Emphasis will be placed on presentations related to recycling and value-added opportunities that reflect innovative management, technology or systems approaches. To register, visit:

[http://www.wef.org/pdffiles/Innovative\\_form.pdf](http://www.wef.org/pdffiles/Innovative_form.pdf). If

interested in giving a paper, visit:

[http://www.wef.org/pdffiles/CALL\\_For\\_Paper.pdf](http://www.wef.org/pdffiles/CALL_For_Paper.pdf).

### **WEF 2005 Residuals & Biosolids Specialty Conference Call for Papers**

From **Lauren Power**, [lpower@wef.org](mailto:lpower@wef.org):

WEF, in partnership with the American Water Works Association and the KY-TN Water Environment Association, is sponsoring the 2005 Residuals & Biosolids Management Conference in Nashville, TN from April 17-20, 2005. A total of 24 topics areas covering the full spectrum of biosolids issues are included in the call for papers. To view and submit an abstract visit:

[http://www.wef.org/pdffiles/Abstracts\\_with\\_art.pdf](http://www.wef.org/pdffiles/Abstracts_with_art.pdf).

For additional information, contact Lauren Power at: <mailto:lpower@wef.org>.

### NBMA 2004 Annual Biosolids Conference

From **Maile Lono**, [maile.lono@metrokc.gov](mailto:maile.lono@metrokc.gov):

The Northwest Biosolids Management Association (NBMA) is hosting its 2004 Annual Biosolids Management Conference in the foothills of Mt. Hood, OR on September 12-14, 2004. The conference theme fits the locale – Mountains or Molehills: Sorting Through the Issues. The keynote session will feature presentations that will focus on the latest issues and controversies in biosolids management. Do you have a biosolids research project, case study or new technology that you would like to share? Submit your 500-word abstract to NBMA by March 31, 2004. View the 2004 Call for Papers for additional presentation categories at:

<http://www.nwbiosolids.org/new.html>. Contact Maile Lono, (206) 684-1145 or <mailto:maile.lono@metrokc.gov>, with any questions.

To make hotel reservations, contact the Resort at the Mountain, (800) 669-7666. Reference code is NW Biosolids Management Conference.

## Calendar of Events

### Michigan Biosolids Team Meeting Dates

Thursday, May 13, 2004, 10:00 A.M.

Location: SCCMUA

Topic: Corn Folders

Thursday, June 17, 2004, 10:00 A.M.

Location: Port Huron

Topic: Tour of Storage

Thursday, July 22, 2004, 12:00 Noon

Location: MSU Ag Expo grounds

Topic: Meeting follows Barbeque

Thursday, September 9, 2004, 10:00 A.M.

Location: Meeting at WMWEA (Barbeque)

Topic: Farm Site Visit

Thursday, October 7, 2004, 10:00 A.M.

Location: St. Ignace

Topic: Joint UP Meeting

For more information on the meeting, please contact Todd Wibright at (616) 457-0720.

MWEA Annual Conference

August 8-11, 2004

Location: Grand Rapids

*By John Heilprin, Associated Press Writer*

WASHINGTON - The Environmental Protection Agency said Wednesday it may start regulating 15 more pollutants contained in the nearly 6 million tons of sewage sludge that are used or disposed of in the United States each year.

The 15 chemicals — acetone, anthracene, barium, beryllium, carbon disulfide, 4-chloroaniline, diazinon, fluoranthene, manganese, methyl ethyl ketone, nitrate, nitrite, phenol, pyrene and silver — already are considered hazardous enough to be a potential threat to the health of people and wildlife species, EPA said.

New assessments of the risks that the chemicals pose will be made before any final regulations are proposed, the agency said.

Based on the results of those studies, the agency said, EPA "will propose as soon as practicable new regulations ... for any pollutants" in sewage sludge that might be concentrated enough to cause harm.

EPA already regulates nine inorganic chemicals in biosolids.

### State Biosolids Coordinators Urge EPA Administrator to Fill Key HQ Biosolids Position

From **Kyle Dorsey**, [kdor461@ecy.wa.gov](mailto:kdor461@ecy.wa.gov):

An April 2, 2004 letter written on behalf of state biosolids coordinators to EPA Administrator Michael Leavitt, urges the Agency to fill the position vacated by Dr. John Walker. Walker, a long time EPA Headquarters senior soil scientist who oversaw a significant amount of research activity related to biosolids, retired from the Agency in January 2004. The concern raised in the letter was prompted by EPA ambitious goals published in its final action plan in December 2003 responding to the National Research Council's (NRC) July 2002 report "Biosolids Applied to Land: Advancing Standards and Practices." One of the overarching recommendations of the NRC report was the need to increase the resources devoted to EPA's biosolids program. The letter also reinforces the desire of state biosolids coordinators to ensure that this key EPA biosolids position be filled by a candidate who has a strong background in biosolids management with a solid technical foundation and proven background developing partnerships with states and the regulated community.

To view the letter, visit:

<http://biosolids.policy.net/relatives/27741.pdf>.

*USEPA News continued on page4*

## EPA Rejects Wastewater Industry Concerns Over Biosolids Research

EPA is rejecting concerns from wastewater treatment industry officials that the departure of a key biosolids research official will prevent the agency from adequately addressing research needs suggested by National Academy of Sciences recommendations.

Agency officials say the departure of EPA biosolids municipal liaison and technical support lead John Walker will not prevent the agency from conducting key research on the health effects of land-applied biosolids called for in a 2002 National Research Council (NRC) study.

A wastewater treatment industry official says the industry has expressed concern to EPA that Walker's retirement left the agency's biosolids research staff leaderless and scattered across different divisions and regions. The official says EPA has made no effort to replace Walker and says it is likely the agency will not be able to meet its research goals for investigating chemical pollutants and their effects in land-applied biosolids.

However, an EPA source says the research will go on without Walker, led by officials in both the Office of Water and the Office of Research and Development. The source says the agency anticipates no problems coordinating data and staff between the two offices. The source confirmed that there has been no replacement chosen for Walker's position and could not say whether EPA planned to choose an overall biosolids research director in the future.

The source says that while Walker was important, there was no individual who was the "sole lynchpin without whom cooperation ceases."

The research is scheduled to begin this spring, EPA sources say.

The plan includes a new "targeted national survey" of chemical pollutants found in sewage sludge; a call to work with federal health agencies and other stakeholders to track incidences of alleged health problems stemming from biosolids exposure; field studies to gauge whether pathogen and chemical requirements in current regulations are being met; and an assessment of the quality and utility of data, tools and methods for conducting microbial risk assessments on pathogens.

In its budget justification to Congress, the administration notes that research will focus on "exposure and analytical methods development, reviewing available data from past field studies, tracking ongoing studies, conducting field studies, and

improving existing treatment techniques for pathogen destruction through enhanced support of the Pathogen Equivalency Committee."

The plan comes in response to a 2002 NRC study chartered by EPA to review risk assessment methods and data underlying agency biosolids regulations. The study concluded there is no hard evidence current rules are not protecting health, but recommended EPA improve risk assessment methods; conduct a new survey of chemicals and pathogens in biosolids; create an approach to investigate health claims; and devote more resources to its biosolids program.

EPA announced the plan earlier this year, at the same time rejecting a petition from environmental and public health groups to ban the land application of the sewage treatment byproduct, which is commonly used on crops as a fertilizer.

**Date: April 9, 2004**

**© Inside Washington Publishers**



This quarterly newsletter is a joint effort of the **Michigan Biosolids Team partnership**. It is designed to provide timely, relevant information about the beneficial use of biosolids. Submit information of interest or comments to:

[Steve Mahoney - mahoneys@michigan.gov](mailto:mahoneys@michigan.gov)  
or telephone (517) 241-2508

# CHESTERFIELD TOWNSHIP SOUTH SEWER LAGOONS – A CASE STUDY IN PERSEVERANCE

By: Greg Merricle  
Biosolids Coordinator  
Southeast MI and Jackson Districts  
Water Division  
Michigan Department of Environmental Quality

In 1985, Chesterfield Township joined the Detroit Water and Sewerage Department, eliminating the need for their municipal sewage lagoons located at the intersection of I-94 and 21 Mile Road. The wastewater was discharged to the Detroit municipal sewer system, and the lagoons were left in place. The South Lagoon property, which consisted of a 70 acre lagoon with three separate cells and approximately 100 acres of open field, remained undeveloped until October of 1996, when Chesterfield Township sold the property, including the Biosolids contained in the lagoon, to Auragen Development. Auragen Development formed a partnership called Park Plaza North, LLC. A consulting firm, Enviro Matrix, was hired, and investigations into the possibility of developing an industrial park on the 170-acre site were soon under way.

Enviro Matrix sampled the rainwater that had accumulated in the lagoon, the Biosolids, and the underlying soils for all relevant parameters. In June 2000, the lagoon water was discharged into the Detroit municipal sewer system. Upon drying, the Biosolids from the north cell of the lagoon were sampled and landfilled. An additional 10,000 cubic yards of Biosolids from the southeast and southwest cells was landfilled in the spring of 2001.

Due to the immense cost of disposal and because the Biosolids proved to be well within the Michigan Department of Environmental Quality (MDEQ) standards for land application for beneficial reuse, land application was an attractive option. Land application was a viable alternative to disposal due to the 100 acres of open field on site, where Biosolids could be land applied with little transportation and a crop could be grown and harvested. A Residuals Management Plan (RMP) was developed with the help of Mr. Brett Wiseley, the Southeast Michigan Biosolids Coordinator. On June 13, 2001, the RMP was approved by the MDEQ. At that time, it was estimated that as much as 32,000 cubic yards of Biosolids remained in the southeast and southwest cells. John Carlo, Inc., was hired to perform all of the tasks relative to Biosolids removal and land application.

Since June 13, 2001, 25,519 cubic yards (16,040 dT) of Biosolids were removed from the southeast and southwest cells of the lagoon and land applied on the 100 acres to the south of the lagoon. The Biosolids were disked into the soil and rye grass was planted. The crop was harvested on July 17, 2003, in accordance with the approved RMP. During this timeframe, Mr. Wiseley left the Biosolids program for another position in the Surface Water Quality Division (SWQD). In March of 2002, I was hired to fill the Biosolids program vacancy. Mr. Wiseley chose to retain responsibility for the Chesterfield Township South Lagoon in an effort to avoid a disruption in public service and see the Biosolids land application project to completion.

Despite Mr. Wiseley's best intentions, bringing the Chesterfield Township South Lagoon land application project to completion proved to be more difficult than he

thought. Park Plaza North, LLC began having financial difficulties, discontinued the services of Enviro Matrix, failed to pay John Carlo, Inc., for their services, and finally declared bankruptcy. At this point, Mr. Wiseley was no longer able to justify retaining responsibility for the project and I took delivery of a 12-inch thick file and began to familiarize myself with the site history. On February 27, 2003, an invoice for the Biosolids land application fee of \$85,572.40 was issued to Park Plaza North, LLC. The due date of March 31, 2003, was not met and late fees began to accumulate. I began to wonder what I had gotten myself into.

Armed only with knowledge of how the Biosolids program is funded and with information that I obtained from weeks of poring over the 12-inch thick file, I immediately set out to collect the Biosolids fee that was owed to the program (and to the program participants). Just then, I received a complaint that alleged that there was a large pile of Biosolids that still remained on site. The complainant indicated that he had first hand knowledge of the site, that the pile of Biosolids was enormous, and that the volume of material in the pile had not been reported to the State and still needed to be land applied. Weeks later, I received a second complaint. This complaint alleged that the crop had been planted, but that no harvest had ever occurred. This would be in direct violation of the RMP and the intent of the Biosolids program, which is based on nutrient removal from the site. My focus was no longer on collecting the appropriate fee, but investigating whether the RMP had been followed and the possibility of criminal activity.

A visit to the Chesterfield Township South Lagoon property verified the presence of a large pile of material in the middle of what was the north cell. After close investigation, I determined that the pile was a soil stockpile. I took some samples of the material, which later confirmed my determination. Comfortable with the pile of soil, and uncomfortable with the swarm of mosquitoes, which had formed around me, I proceeded to the 100 acres to the South. There, I was pleased to see crop stubble and crop residuals on the ground. I could safely say that the crop had been harvested and removed from the site. Confident that the RMP had been followed, I could turn my attention once again to collecting the appropriate fees.

I began by trying to contact Park Plaza North, LLC, which proved impossible. I then contacted Chesterfield Township, who informed me that, in their opinion, the Biosolids in the lagoon had been sold to Park Plaza North, LLC along with the lagoon. They also told me that Key Bank held the mortgage for the property at the time bankruptcy was declared, and suggested that I follow up with them. I later heard from a lawyer claiming to represent Chesterfield Township who confirmed what I was told by Chesterfield Township. After many calls to Key Bank went unanswered and I was beginning to lose hope, I was finally contacted by a representative of Key Bank. I explained the nature of my problem, and was told that Key Bank was aware of the fee that was owed to the Biosolids program. I was also informed that although Key Bank had foreclosed on the property, they technically did not own the property, and were, therefore, not responsible for paying any fees owed to the State. I was later contacted by a lawyer claiming to represent Key Bank. He reiterated what I had been previously told by Key Bank, and suggested that the State might put a lien on the property.

During this period of uncertainty, I received several other phone calls from people who provided me with some interesting information. Some of these included lawyers, insurance companies, and real estate agents who claimed to represent the future owners of the Chesterfield Township South Lagoon property. I was told that negotiations were underway for the purchase of the property, and I was asked about

any liabilities associated with the property. It seemed that everyone I spoke to was aware of the Biosolids fee that was owed to the State, but none was willing to pay it. I also received another anonymous complaint during this time period. Actually, it was more of a tip. A resident who lives near the lagoon property informed me that a developer claiming to be the new owner of the lagoon property had announced at a township meeting that the MDEQ had granted clean closure for the Chesterfield Township South Lagoon. The developer was filing for permission to begin development of the property.

With my options growing thin, I decided it was time to remind Chesterfield Township that the Chesterfield Township South Lagoon had not been granted clean closure, that the closure would not be granted until the Biosolids fees were paid, and that the RMP was part of a National Pollutant Discharge Elimination System (NPDES) permit that they held, that the Biosolids in the lagoon were generated under that permit, and that it was their responsibility to make sure that the Biosolids were disposed of or land applied in accordance with the law. That responsibility included ensuring that payment of any fees to the State be made. On October 20, 2002, I carefully drafted a letter to that end, put it in the mail, and waited patiently.

On October 22, 2002, I received a response from Chesterfield Township that indicated that John Carlo was the new property owner and that he or a representative would be contacting me to make the necessary arrangements. On October 28, 2003, STS Consultants, LTD notified me that they had been retained by Chesterfield Town Center LLC, the new property owner, to complete the necessary closure activities relative to the Chesterfield Township South Lagoon. This notification included a request for a copy of the Biosolids fee invoice. I made the necessary arrangements for a new invoice to be issued. A new invoice, including the appropriate late fees, was issued on November 17, 2003.

In late February 2004, I was again losing faith. I had heard nothing regarding the Chesterfield Township South Lagoon and had been researching the steps necessary to place a lien on the property. I was literally in the middle of drafting a Notice Letter to Chesterfield Township when I received a phone call from yet another lawyer claiming to represent the new owner of the property. This call was somehow different than the rest. This was not the typical call regarding this subject. It quickly became a negotiation. By the end of the conversation, we had agreed that it was somewhat unfair to penalize a new property owner for delinquencies of a past property owner. The new property owner was proposing to pay the initial Biosolids fee without the accrued fines and penalties. I felt that this was a reasonable proposal and looked into the possibility of issuing a new invoice that waved the fines and penalties. I put the Notice Letter on hold and a week later a new invoice was issued.

It is now late March 2004, and the land application fee owed to the Biosolids program (and to the program participants) has been collected. Review of the Chesterfield Township South Lagoon Closure Plan will be underway shortly, and will likely be approved soon. Development of the property will likely proceed shortly thereafter. A major thorn has been removed from my side. One of my larger projects is complete, and my time can now be spent in more deserving program areas. Perseverance has paid off, despite my frequent doubts, and I am ready to move on.